

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 4239-67287	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US03/38227	International filing date (day/month/year) 01 December 2003 (01.12.2003)	(Earliest) Priority Date (day/month/year) 02 December 2002 (02.12.2002)
<b>Applicant</b> <b>THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
  - contained in the international application in written form.
  - filed together with the international application in computer readable form.
  - furnished subsequently to this Authority in written form.
  - furnished subsequently to this Authority in computer readable form.
  - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2.  Certain claims were found unsearchable (See Box I).

3.  Unity of invention is lacking (See Box II).

4. With regard to the title,
 

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the abstract,
 

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

None of the figures

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**Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)**

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claim Nos.: 38  
because they relate to subject matter not required to be searched by this Authority, namely:  
Claim 38 is a non-statutory "use" claim under 35 U.S.C. 101.
2.  Claim Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3.  Claim Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**  

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US03/38227

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : C07K 16/00; C12P 21/08; C07H 21/04; A61K 39/395;  
US CL : 530/387.1, 387.3, 387.7, 388.1, 388.8, 391.7; 536/23.53; 424/133.1, 135.1, 138.1, 141.1, 183.1

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 530/387.1, 387.3, 387.7, 388.1, 388.8, 391.7; 536/23.53; 424/133.1, 135.1, 138.1, 141.1, 183.1

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Please See Continuation Sheet

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	MODAK, S., et al. Monoclonal antibody 8H9 targets a novel cell surface antigen expressed by a wide spectrum of human solid tumors. Cancer Research. 15 May 2001, Vol. 61, pages 4048-4054, see entire document, especially page 4049, left column, page 4050 and 4052, right column.	1, 9, 21. -----
Y	US 5,608,039 A (PASTAN et al) 04 March 1997 (04.03.1997), see columns 3, 9-11 and 19-20.	2-3, 5, 22-37.
Y	JUHL H. et al. Additive cytotoxicity of different monoclonal antibody-cobra venom factor conjugates for human neuroblastoma cells. Immunobiology. 1997, Vol. 197, pages 444-459. See entire document, especially page 447, Figures 4-6 and pages 455-456.	2-3, 5, 21-37.
X	-----	1, 9, 21, 24-25, 31. -----
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Y	-----	2-3, 5, 22-37.
P, X	US 2003/0103963 A1 (CHEUNG) 05 June 2003 (05.06.2003), see entire document, especially page 5, left column, and Figures 33-34.	1-3, 5-7, 9, 21. -----
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P, Y	-----	8, 10-12, 14, 16-20, 22-37.

Further documents are listed in the continuation of Box C.

See patent family annex.

\* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

18 July 2004 (18.07.2004)

Date of mailing of the international search report

22 NOV 2004

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**INTERNATIONAL SEARCH REPORT**

PCT/US 8227

**Continuation of B. FIELDS SEARCHED Item 3:**

WEST, Medline, Biosis, cancerlit, EMBASE, CAPLUS, Biotechno, Geneseq, issued patents, published applications, PIR 78, Swissprot, SPTREMBL.

Search terms: immunotoxin, PE or pseudomonas exotoxin, 8H9, antibody, single-chain antibody, SEQ ID NOS:3, 7 and 8, inventor search.